

"The Santo Domingo Massacre: Killing and Covering Up in Colombia"

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Four years ago, on a clear, sunny Sunday morning in the Colombian hamlet of Santo Domingo, a young woman and her friends lay down in the street, spreadeagled, so that helicopters flying low overhead could see plainly that they were civilians. Some miles outside the town, air force planes and helicopters had battled guerrillas through the night.

As later summarized by a Tribunal of Opinion convened by Northwestern University School of Law, the young woman then "looked up at a helicopter and saw things that looked like rolls of white paper coming out of the helicopter. ... Then she heard an explosion, [and] everything turned dark ..."

When the smoke cleared, seventeen civilians, including six children, lay dead. Another 25, including the young woman and nine children, were wounded.

That same day, December 13, 1998, the Colombian military told the Red Cross that the civilians died when guerrillas used them as human shields. Later, changing its story, the military claimed the fatal explosion was caused by a truck bomb planted by guerrillas.

In any case, the air force commandant assured a Colombian newspaper, "none of the airships used in Santo Domingo had the capability to drop bombs."

Meanwhile Human Rights Watch contacted Senator Patrick Leahy, author of the Leahy Law, which requires that United States aid be cut off to Colombian military units "credibly alleged to have committed gross violations of human rights," until the perpetrators are brought to justice. Senator Leahy asked the US Embassy for an explanation.

Ambassador Curtis Kamman replied that six aircraft used at Santo Domingo came from the US government, including a Huey helicopter given as US military aid. Repeating the military's version of a guerrilla truck bomb, he added, "Our preliminary assessment, ..., is that the Colombian military's evidence has credibility."

Meanwhile the pilot of one of the helicopters had already contradicted his commandant. Not only did a Huey carry cluster bombs at Santo Domingo, he told an army judge, it dropped two of them near the town that day.

Later the Huey pilot admitted to an air force judge that, yes, he dropped two cluster bombs near Santo Domingo that day. Yet both the army and air force cases were closed. A civilian

investigation continued to limp along, but no charges were brought.

With no prospect of official justice, Colombian religious and human rights groups then asked Northwestern University's Center for International Human Rights to convene an unofficial Tribunal of Opinion to hold public hearings in Chicago and to issue a "judgment" on the case. The tribunal could not compel any action, of course, but it could investigate and report the truth.

Former Illinois Supreme Court Justice Seymour Simon agreed to chair the tribunal. Ten other distinguished lawyers, clerics and former public officials agreed to serve as members. (I served as legal adviser.) After the Colombian government declined to participate, Chicago lawyers volunteered to represent Colombia and the victims before the tribunal.

In two days of public hearings in September 2000, the tribunal heard four witnesses from the town, watched a video produced by the Colombian military on its version of the event, listened to expert witnesses and received the army and air force investigation files into evidence. It also received a copy of an FBI lab report identifying fragments found at Santo Domingo as part of a US-designed cluster bomb.

Two months later, in a 69 page judgment, the tribunal unanimously concluded that the truck bomb theory was false, that the bomb was in fact dropped by the Huey, and that the Colombian military, including its commandant, had engaged in a cover-up. It recommended prosecutions and suspension of US aid under the Leahy Law.

Initial reactions were encouraging. The Colombian military reopened its investigations. Civilian prosecutors asked to take over jurisdiction. New US Ambassador Anne Patterson raised the case with the Colombian government, as did Senator Leahy, the late Minnesota Senator Paul Wellstone and Illinois Congresswoman Jan Schakowsky.

But until recently, it seemed that all might come to naught. Although military judges issued orders last year restraining the liberty of the Huey crew, no trials were held. The civilian prosecutor fled the country after receiving death threats. US aid was not suspended.

Now, however, there may be reason for hope. In October Colombia's civilian attorney general found two of the Huey crew administratively responsible for the bombing, and ordered their suspension from duty for three months. This month Ambassador Patterson, invoking the Leahy Law, recommended to Washington that US aid be suspended to the unit involved. Justice may yet come to Santo Domingo.

And new revelations have emerged. As reported by the Los Angeles Times and as we will discuss next week, the Huey crew testified in the reopened military proceedings that their targeting directions at Santo Domingo came from a US security contractor for Los Angeles-based Occidental Petroleum, whose pipeline runs nearby. Ambassador Patterson has offered to assist Colombian authorities in following these leads. Can it be that the cover-up of the Santo Domingo bombing extends well beyond Colombia?

This is Doug Cassel of the Center for International Human Rights of Northwestern University School of Law, for Chicago Public Radio's World View.

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